

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

PETER J. MILLER, CLIFFORD HOYT, and  
CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.

Plaintiffs,

v.

PATRICK TREADO and CHEMIMAGE CORP.  
Defendants.

Case No. 05-10367 RWZ

**DECLARATION OF CHRISTOPHER S. KROON IN SUPPORT  
OF DEFENDANTS' SUR-REPLY MEMORANDUM IN OPPOSITION TO  
PLAINTIFFS' MOTION TO ENJOIN DEFENDANTS FROM  
CONTINUING WITH THE REISSUE APPLICATION**

I, Christopher S. Kroon, declare and state as follows:

1. I am an attorney at law of the State of Massachusetts and I am an associate at Duane Morris LLP, counsel for the Defendants, Patrick Treado and ChemImage Corp.
2. **Exhibit A**, attached to the Defendants' Sur-Reply Memorandum in Opposition to Plaintiffs' Motion to Enjoin Defendants From Continuing with the Reissue Application (hereinafter "Sur-Reply Brief") and filed herewith, is a true and correct copy of the Declaration signed by Patrick J. Treado, Mathew Nelson and Scott Keitzer on December 11, 2001 in connection with the filing of U.S. Patent Application No. 09/976,391.
3. **Exhibit B**, attached to the Defendants' Sur-Reply Brief and filed herewith, is a true and correct copy of the Declaration signed by Patrick J. Treado, Mathew Nelson and Scott Keitzer on March 21-22, 2005 in connection with the filing of the reissue application.
4. **Exhibit C**, attached to the Defendants' Sur-Reply Brief and filed herewith, is a true and correct copy of a brochure for Plaintiffs' Maestro system and a true and correct copy of a brochure for Plaintiffs' Nuance system.

5. **Exhibit D**, attached to the Defendants' Sur-Reply Brief and filed herewith, is a true and correct copy of lab notebook pages that form the basis of the patent in suit. The lab notebook pages were filed with the United States Patent and Trademark Office on October 13, 2000 in connection with provisional application No. 60/239,969.
6. **Exhibit E**, attached to the Defendants' Sur-Reply Brief and filed herewith, is a true and correct copy of U.S. Patent No. 6,734,962.

I declare that under the penalty of perjury that the foregoing is true and correct.



Christopher S. Kroon

Dated: August 9, 2005

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**CERTIFICATE OF SERVICE**

I, Christopher S. Kroon, hereby certify that on this 9<sup>th</sup> day of August, 2005, I caused copies of the following documents:

1. Notice of Filing With Clerk's Office;
2. Defendants' Sur-Reply Memorandum in Opposition to Plaintiffs' Motion to Enjoin Defendants from Continuing with the Reissue Application, together with attached Exhibits A through E; and
3. Declaration of Christopher S. Kroon In Support of Defendants' Sur-Reply Memorandum in Opposition to Plaintiffs' Motion to Enjoin Defendants from Continuing with the Reissue Application

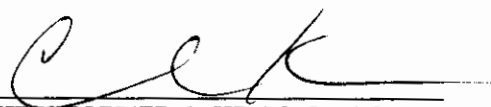
to be served upon the following counsel of record in the manner indicated below:

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